



In force from XX  
As amended to XX

# **ETHICS COMMISSION BYE-LAW 2**

## **PROCEDURAL RULES GOVERNING PROCEEDINGS BEFORE THE ANOC ETHICS COMMISSION**

**OF THE ASSOCIATION OF NATIONAL OLYMPIC COMMITTEES**



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## Preamble

These Procedural Rules set out the procedures governing Proceedings before the ANOC Ethics Commission.

A "Proceeding" commences once a Notice of Charge has been issued in accordance with these Procedural Rules.

These Procedural Rules may be amended by the Executive Council, on the recommendation of the Ethics Commission.

These Procedural Rules take effect from 1 December 2018.

## Definitions and Interpretation

**Definitions:** In this Bye-Law the following terms have the following meanings:

"**ANOC**" and "**ACNO**" mean the Association of National Olympic Committees.

"**ANOC Code of Ethics**" means the code of ethics of ANOC which was first adopted by the General Assembly on 16 November 2016 (and as amended from time to time) which sets out the fundamental ethical principles applicable to ANOC and all persons and bodies as described in the Code of Ethics.

"**Applicable Person**" means any of the bodies and persons to whom the ANOC Code of Ethics applies as described in the ANOC Code of Ethics.

"**Athlete**" means a member of the ANOC Athletes Commission.

"**Bye-Law**" means this bylaw unless the context indicates otherwise.

"**Continental Associations**" means ANOCA, OCA, Panam Sports, ONOC and EOC which have been recognised by the IOC.

"**Constitution**" means the ANOC Constitution.

"**Executive Council**" means the organ of ANOC described in rule 13 of the Constitution.

"**General Assembly**" means the organ of ANOC described in rule 12 of the Constitution.

"**IOC**" means the International Olympic Committee.

"**Independent**" means the person does not hold any other role, position or office within the IOC, ANOC, any Continental Association, or any NOC and does not act for, represent or advise any of them or any Applicable Person under the ANOC Code of Ethics.

**“Independent Investigator”** mean a qualified investigator who is Independent.

**“Ineligible”** means the person:

- a. is a member of ANOC staff;
- b. has been declared by an authority to be an undischarged bankrupt or is subject to a condition not yet fulfilled or any order under any applicable insolvency laws;
- c. has been convicted of any offence punishable by a term of imprisonment of two(2) or more years (whether or not a term of imprisonment has been imposed) unless the person has obtained a pardon or has served the sentence imposed on them;
- d. has been prohibited by an authority from being a director or promoter of or being concerned or taking part in the management of a company for breach or non-compliance with any law applicable to that person;
- e. is subject to an order by an authority that the person is lacking in competence to manage their own affairs;
- f. is a Minor;
- g. has been deprived of his or her civil rights by proper application of the law;
- h. is serving a period of ineligibility (including provisional suspension) for breach of the ANOC Code of Ethics;
- i. has been found by an authority to have committed an anti-doping rule violation at any time, including any person who has served any period of ineligibility for that violation.

**“Minor”** means a natural person who has not reached the age of eighteen years.

**“NOC”** means a National Olympic Committee.

**“Notice of Charge”** means the written notice sent by the Independent Investigator to the Chairperson of the Ethics Commission and copied to the Applicable Person subject to the charge (and the relevant NOC and Continental Association) as stated in this Bye-Law.

**“Olympic Movement”** means the organizations, Athletes and other persons who agree to be guided by the Olympic Charter as described in the Olympic Charter.

**“Panel”** means a panel of the Ethics Commission established under the Procedural Rules.

**“Procedural Rules”** and **“Rules”** mean the Procedural Rules Governing Proceedings Before the ANOC Ethics Commission”.

**“Proceeding”** means the process undertaken by the Ethics Commission from receipt of the Notice

of Charge by the Ethics Commission until the final determination of the charge and imposition of the consequences and sanction(s) on account of the breach, if applicable, unless specified otherwise.

**“Provisional Suspension”** means the person is barred temporarily from participating in any event, meeting or activity prior to the final decision at the hearing conducted by the Panel in the case that there is a finding that there was no breach of the ANOC Code of Ethics or, where there is a finding that there was a breach of the ANOC Code of Ethics prior to the final decision of the Executive Council or of the General Assembly, as the case may be, regarding the consequences and sanction(s) on account of the breach.

**“Publicly Disclosed”** means disclosure of the decision to the public via the Ethics Commission or ANOC websites, and such other public notification as decided by the Ethics Commission.

**“Substantial Assistance”** means the person providing substantial assistance has (i) fully disclosed in a signed written statement all information he/she possesses in relation to the alleged breach/es including those involving himself/herself and (ii) fully co-operated with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by the prosecuting authority or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Interpretation:** These Rules shall be interpreted as follows:

These Rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every Notice of Charge on its merits.

In applying these Rules, orders and directions shall be made in the proceedings that are proportionate to the importance and complexity of the issues, and to the seriousness of the matters alleged in the Notice of Charge

Any reference to any law, act, regulation, rule, By-law, or the Olympic Charter, includes any amendment to it and any replacement passed in substitution for it.

The plural includes the singular and vice versa and words of the masculine gender include the feminine and vice versa unless the context requires otherwise.

Words importing a person include an individual, partnership, association, body corporate, trustee, executor, administrator and legal representative.

The Preamble in these Rules is included by way of background and the headings are inserted for convenience. Neither the Preamble nor the headings shall affect the construction or interpretation of these Rules.

Any reference to a clause number is a reference to a clause in these Rules-, unless expressly stated otherwise.

# 1 Notice of Charge

- 1.1 If the Independent Investigator decides pursuant to clause 8.11 of the ANOC Ethics Commission Bye-Law<sup>1</sup> that there is a case to answer, he/she will send a written notice (Notice of Charge) to the Chairperson of the Ethics Commission, with a copy to the Applicable Person subject to the charge and their relevant NOC and Continental Association.
- 1.2 The Notice of Charge shall set out:
  - 1.2.1 the breach(es) alleged to have been committed (including the specific Article of the ANOC Code of Ethics alleged to have been infringed), a summary of the facts upon which such allegations are based, and any other relevant information;
  - 1.2.2 a summary of the potential consequences and sanctions if it is determined that the alleged breaches have been committed; and,
  - 1.2.3 the Applicable Person's entitlement to respond to the Notice of Charge in accordance with clause 1.3.
- 1.3 The Applicable Person may respond to the Notice of Charge in one of the following ways:
  - 1.3.1 admit the breach(es) charged, and accede to the consequences and sanction(s) specified, if any, in the Notice of Charge;
  - 1.3.2 admit the breach(es) charged, but to dispute and/or seek to mitigate the consequences and sanction(s) specified in the Notice of Charge, and to have the Ethics Commission determine the consequences and sanction(s) to be recommended to the Executive Council or to the General Assembly, as the case may be, at a hearing conducted in accordance with this clause 5; or,
  - 1.3.3 deny the breach(es) charged, and to have the Ethics Commission determine the charge and (if the charge is upheld) any consequences and sanction(s) to be recommended to the Executive Council or to the General Assembly, as the case may be, at a hearing conducted in accordance with clause 5.
- 1.4 If the Applicable Person wishes to exercise their right to a hearing before the Ethics Commission, they must submit a written request for such a hearing so that it is received by the Chairperson of the Ethics Commission as soon as possible, and in any event within ten (10) days of their receipt of the Notice of Charge or such other deadline specified in the Notice of Charge. The request must also state how the Applicable Person responds to the charge, and must explain (in summary form) the basis for such response.

- 1.5 In the event the Applicable Person does not respond to the Notice of Charge in the manner set out in clause 1.4 by the specified deadline, the Applicable Person will be deemed to have admitted the breach(es) charged, and the consequences and sanction(s) specified, if any, in the Notice of Charge, provided that the Notice of Charge has been given to the Applicable Person in accordance with clause 1.1.
- 1.6 On receipt of a Notice of Charge, the Chairperson of the Ethics Commission will appoint a panel of the Ethics Commission to hear and decide the matter as set out in clause 3 of these Procedural Rules.
- 1.7 In their response to the Notice of Charge, or at any other time prior to the determination of the charge by the Ethics Commission, the Applicable Person may admit the breach(es) charged.
- 1.8 In the event that the Independent Investigator withdraws the Notice of Charge, or the Applicable Person admits the breach(es) charged and accedes to the consequences and sanction(s) specified (or is deemed to have done so in accordance with clause 1.5), a hearing before the Ethics Commission will not be required. If this occurs, the Ethics Commission:
  - 1.8.1 will promptly issue a decision confirming (as applicable) the withdrawal of the Notice of Charge or the commission of the breach(es) and the recommendation to the Executive Council or to the General Assembly, as the case may be, for imposition of the specified consequences;
  - 1.8.2 will Publicly Disclose any decision confirming the commission of the breach(es) and the recommendation to the Executive Council or to the General Assembly, as the case may be, for imposition of the specified consequences in accordance with these Rules (but shall not disclose a decision to withdraw a Notice of Charge); and,
  - 1.8.3 will send a copy of the decision to the Applicable Person subject to the charge and for any decision confirming the commission of the breach(es) and a recommendation to the Executive Council or to the General Assembly, as the case may be, for the imposition of the specified consequences and sanction(s), send a copy of that decision to their relevant NOC and Continental Association.

## 2 Notices

- 2.1 Any notice or other communication required to be given by the Independent Investigator or the Ethics Commission pursuant to these Rules must be given in writing and must be sent by first class post or transmitted by email. If sent by first class post, the notice or other communication will be deemed to have been given on the 5th day following the day it is sent. If transmitted by email before 5pm Central European Time (CET) on a business day, the notice or other communication will be deemed to have been given on that day. If transmitted by email on a non-business day, or at or after 5pm (CET) on a business day, the notice or other communication will be deemed to have been given on the next business day.
- 2.2 A party's last-known residence, place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to the Independent Investigator or the Ethics Commission (as applicable). Notice to a person who is a member of or affiliated to a NOC or a Continental Association may be accomplished by delivery of the notice to the NOC or Continental Association.
- 2.3 Any period of time specified in this Bylaw will begin to run on the day following the day when a notice or other communication is given. Non-business days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-business Day, then it will be deemed to end on the next business day.

## 3 Panel of Proceedings

- 3.1 If the Chairperson:
  - 3.1.1 considers that it may be appropriate that a provisional suspension be imposed (under clause 9 of Bye-Law 1); or
  - 3.1.2 receives a Notice of Charge from the Independent Investigator for alleged breaches, the Chairperson shall, (subject to clause 3.2), appoint a Panel to hear and decide the provisional suspension or alleged breach(es) set out in the Notice of Charge, as applicable. The Panel shall be comprised of three (3) members of the Ethics Commission, one of whom will ordinarily be the Chairperson or the deputy Chairperson of the Ethics Commission. The Panel shall include, if possible, no more than one member from the same Continental Association area.
- 3.2 No member of the Ethics Commission may be on the Panel in any Proceeding if he/she:
  - 3.2.1 has any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or,



- 3.2.2 has had any prior involvement with any matter or any facts arising in the Proceedings (save as provided for in these Rules including a decision to impose a Provisional Suspension or another Proceeding in which some or all of the same facts are relevant unless their appointment is approved by the Chairperson or is agreed by the parties); or,
  - 3.2.3 is of the same nationality or a resident of the continent governed by the same Continental Association as the Applicable Person involved in a Proceedings (unless their appointment is approved by the Chairperson or is agreed by the parties); or,
  - 3.2.4 their impartiality or independence could be seriously questioned (as determined by the Chairperson).
  - 3.2.5 is an ANOC Executive Council Member if the Proceedings involve an Executive Council Member.
- 3.3 Upon being appointed to a Panel of the Ethics Commission for a particular matter, each member must provide a declaration to the parties, disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of any of the parties. If any such facts or circumstances arise thereafter, the member must provide an updated declaration to the parties.
- 3.4 Any objection to a member of a Panel must be made to the Chairperson of the Ethics Commission without delay, and in any event within 7 days of:
- 3.4.1 receipt of the written declaration referred to in clause 3.3, or
  - 3.4.2 learning by any other means (including any subsequent means) of the facts or circumstances giving rise to the objection.
- Failure to do so will constitute a waiver of that objection. The Chairperson (or deputy Chairperson as applicable) will rule on any objection made, and their decision will be final and there shall be no right of appeal.
- 3.5 If a member of a Panel is, for whatever reason, unable, unwilling or unfit to hear or continue to hear, and decide a Proceeding, the Chairperson of the Ethics Commission (or deputy Chairperson as applicable) may, in his/her absolute discretion:
- 3.5.1 appoint another member of the Ethics Commission to replace them in that Proceeding, or,
  - 3.5.2 authorise the remaining member(s) of the Panel to hear and decide the Proceeding alone, in which case, if the decision cannot be reached unanimously or by majority, then the Chairperson of the Ethics Commission shall have a casting vote or if the Chairperson is not a member of the remaining panel the member of the Panel so designated by the Chairperson shall have a casting vote.

## 4 Proceedings

- 4.1 The seat of the Ethics Commission and the location of all Proceedings before it is Lausanne, Switzerland. However, the Chairperson of the Ethics Commission may decide to hold hearings elsewhere should the circumstances so warrant.
- 4.2 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before the Ethics Commission, at their own expense.
- 4.3 The Ethics Commission, and any Panel of the Ethics Commission, will have all powers necessary for, and incidental to, the discharge of its responsibilities, including (without limitation) the power, whether on the application of a party or of its own motion:
  - 4.3.1 to rule on its own jurisdiction;
  - 4.3.2 to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Ethics Commission;
  - 4.3.3 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it will determine, where fairness so requires;
  - 4.3.4 to extend or abbreviate any time limit specified in any rules or by the Ethics Commission itself, save for any limitation period or appeal deadline;
  - 4.3.5 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Ethics Commission and/or any other party;
  - 4.3.6 to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
  - 4.3.7 to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter;
  - 4.3.8 to award interim relief or other conservatory measures on a provisional basis and subject to final determination;
  - 4.3.9 to make any other procedural direction or take any other procedural steps which the Ethics Commission considers to be appropriate in pursuit of the efficient and proportionate management of any Proceeding or matter pending before it; and,
  - 4.3.10 to impose costs orders.

- 4.4 Any procedural rulings may be made by the Chairperson of the Ethics Commission or the Chairperson of a Panel alone.
- 4.5 The Chairperson of the Ethics Commission (or the deputy Chairperson) has the power, whether on the application of a party or of his/her own motion:
  - 4.5.1 to order consolidation before the Ethics Commission of two or more separate Proceedings, and/or to order that concurrent hearings be held in relation to such Proceedings; and,
  - 4.5.2 to exercise any of the powers of the Ethics Commission in relation to urgent matters that require a decision before a Panel has been convened.
- 4.6 As soon as practicable after a Panel has been convened in a particular matter, the chair of the Panel will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where he/she deems it appropriate, he/she may hear from the parties (in person, by telephone or video conference, or otherwise) prior to issuing such directions. In particular, the directions will:
  - 4.6.1 fix the date, time and venue of the hearing;
  - 4.6.2 establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and,
  - 4.6.3 make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

## 5 Hearings

- 5.1 Unless a Panel orders otherwise for good cause shown by any party, all hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third party/parties permitted under the applicable rules to attend in order to participate in and/or to observe the Proceedings.
- 5.2 Unless the Panel orders otherwise for good cause shown by any party, the hearing will be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at his/her/its own cost. Any party who wishes (or whose witness wishes) to give oral evidence in another language must bring an independent interpreter to translate that evidence into English, at his/her/its own cost, unless the Ethics Commission orders otherwise.
- 5.3 The procedure to be followed at the hearing will be at the discretion of the chair of the Panel, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and to present his/her/its case to the Panel. The Panel will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 5.4 No formal rules as to admissibility of evidence will apply. Facts may be established by any reliable means.
- 5.5 Facts established by a decision of a court or tribunal of competent jurisdiction that is not the subject of a pending appeal will be binding, save where it is demonstrated that the decision violated principles of natural justice.
- 5.6 Unless the Panel orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). The non-attendance of any party and/or his/her/its representative(s) at the hearing, after due notice has been given, will not prevent the Panel from proceeding with the hearing in his/her/its absence, whether or not written submissions have been made by or on behalf of that party.
- 5.7 Where a party:
  - 5.7.1 refuses or fails to respond to a Demand or other questions put to him/her/it as part of an investigation;
  - 5.7.2 refuses or fails to appear at a hearing to answer questions; or,

5.7.3 appears but refuses or fails to answer questions;

then the Panel may infer that the answer(s) would be adverse to that party.

- 5.8 Once the parties have completed their respective submissions, the Panel will retire to deliberate in private. The Panel may reserve its decision to be released at a later date, or at any given time it may announce its decision with reasons to follow at a later date. The Panel will make its decision unanimously or by majority. No member of the Panel may abstain.

## 6 Burden and Standard of Proof

- 6.1 6.1 The Independent Investigator will have the burden of establishing that a breach of the ANOC Code of Ethics has been committed. The standard of proof will be whether the Independent Investigator has established the commission of the alleged breach to the comfortable satisfaction of the Panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- 6.2 Where the ANOC Code of Ethics places the burden of proof upon the Applicable Person alleged to have committed a breach to rebut a presumption or establish specified facts or circumstances, the standard of proof will be by a balance of probability.

## 7 Costs and Recommendations of Consequences and Sanctions

- 7.1 Where it is decided by a Panel that a breach of the ANOC Code of Ethics has been committed, subject to clause 7.3 below, the Panel will recommend to the Executive Council or to the General Assembly, as the case may be, such consequences and sanction(s) as the Panel deems appropriate including, without limitation, any one or more of the following (any of which may, where appropriate, be recommended to be suspended):
- 7.1.1 a caution, reprimand and/or warning as to future conduct;
  - 7.1.2 a fine of any amount (which, unless otherwise specified, will be payable within 30 days);
  - 7.1.3 suspension or removal from ANOC office
  - 7.1.4 removal of any award or other honour bestowed by ANOC;
  - 7.1.5 disqualification of results, with all resulting consequences, including forfeiture of any related awards, medals, titles, points and/or prizes;
  - 7.1.6 disqualification/expulsion from events, meetings or activities; and,

7.1.7 a specified period of ineligibility, or life ban, from participating in any capacity in any aspect of ANOC and/or in any activities authorised, organised, controlled, recognised, sanctioned and/or supported in any way by the ANOC.

7.2 In order to determine the appropriate sanction(s) to be recommended in each case, the Panel must first determine the relative seriousness of the breach, including identifying all relevant factors that it deems to:

7.2.1 aggravate the nature of the breach, including (without limitation):

- a. a lack of remorse on the part of the Applicable Person;
- b. whether the Applicable Person has previously been found guilty of any similar breach under the ANOC Code of Ethics or any predecessor regulations;
- c. where the breach substantially damaged (or had the potential to substantially damage) the commercial value and/or public interest in the relevant event, meeting or activity and/or the Olympic Movement;
- d. where the breach affected (or had the potential to affect) the outcome of the relevant event, meeting or activity;
- e. where the welfare of a person has been endangered as a result of the breach;
- f. where the breach involved more than one person or entity;
- g. where the Applicable Person failed to cooperate with any investigation or requests for information from the Independent Investigator; and
- h. any other aggravating factor(s) the Panel deems relevant.

7.2.2 mitigate the nature of the breach, including (without limitation):

- a. a timely admission of a breach by the Applicable Person;
- b. the Applicable Person's clean disciplinary record;
- c. the young age and/or inexperience of the Applicable Person;
- d. where the breach did not substantially damage (or have the potential to substantially damage) the commercial value and/or public interest in the relevant event, meeting or activity and/or the Olympic Movement;
- e. where the breach did not affect (or have the potential to affect) the outcome of the relevant event, meeting or activity;

- f. where the Applicable Person has cooperated with the Independent Investigator and any investigation or requests for information;
  - g. where the person or entity has provided Substantial Assistance to the Independent Investigator, a criminal authority or a professional disciplinary body that results in the Independent Investigator discovering or bringing forward a breach of the ANOC Code of Ethics by another person or entity, or that results in a criminal authority or a professional disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another person or entity;
  - h. where the Applicable Person has displayed remorse;
  - i. where the Applicable Person has already suffered penalties under other laws and/or regulations for the same offence; and,
  - j. any other mitigating factor(s) the Panel deems relevant.
- 7.3 Having considered the factors in clause 7.2, the Panel will then determine the appropriate consequences and sanction(s) to be recommended to the Executive Council or to the General Assembly, as the case may be.
- 7.4 Any period of ineligibility will commence on the date the decision of the Executive Council or of the General Assembly, as the case may be, on consequences and sanctioning is issued and will end on the date stated in the decision of the Executive Council or of the General Assembly, as the case may be, unless decided otherwise as herein provided. The Executive Council or the General Assembly, as the case may be, may at its sole discretion reduce the period of ineligibility imposed by any period of provisional suspension already served prior to the Executive Council or the General Assembly, as the case may be, decision being issued. Any Applicable Person subject to a period of ineligibility will remain subject to the ANOC Code of Ethics during that period. If such Applicable Person commits a breach of the ANOC Code of Ethics during a period of ineligibility, that will be treated as a separate breach under the ANOC Code of Ethics.
- 7.5 The Ethics Commission will have discretion to order any party subject to the Proceedings to pay some or all of the costs of the proceedings, including:
- 7.5.1 the costs of holding the hearing(s);
  - 7.5.2 the legal/travel/accommodation costs and/or fees or charges of the members of the Ethics Commission; and/or
  - 7.5.3 the legal/travel/accommodation costs of any party subject to, or witness involved in, the Proceedings.
- No costs order will be considered a basis for reducing the sanction(s) that would otherwise be applicable.

- 7.6 The Ethics Commission will also have discretion to order some or all of the costs of the proceedings to be paid by some other person(s) or entity/ies that is/are considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) or entity/ies will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.
- 7.7 Once any period of ineligibility imposed by the Executive Council or by the General Assembly, as the case may be, has expired, the Applicable Person will automatically become re-eligible provided he/her/it has first:
- 7.7.1 completed any official integrity or ethics education session to the reasonable satisfaction of ANOC;
  - 7.7.2 paid in full any fine, amounts forfeited and/or award of costs made against him/her/it (although the Executive Council or the General Assembly, as the case may be, will consider any request, on the grounds of financial hardship, to make such payments over an extended period of time by way of an instalment plan); and
  - 7.7.3 agreed to be subject to any reasonable and proportionate monitoring of his/her/its future activities in connection with ANOC and the Olympic Movement as the Executive Council or the General Assembly, as the case may be, may consider necessary given the nature and scope of the breach(s) committed.

## 8 Decisions

- 8.1 The Ethics Commission will announce its decision on the charges to the parties in a written, reasoned decision, dated and signed by at least the Panel chair, as soon as reasonably practicable and ordinarily no later than 30 days after the date of the hearing. A copy of the decision will also be sent to the relevant NOC and Continental Association and any other party that has a right of appeal against the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision).
- 8.2 Subject to clause 8.3, if the decision is that a breach of the ANOC Code of Ethics has been committed:
- 8.2.1 the decision will be Publicly Disclosed in full (after giving the parties prior notice of the decision), and in any event no later than 20 days after its issue; and
  - 8.2.2 the Ethics Commission may also publish such other parts of the proceedings before the Ethics Commission as it thinks fit.



- 8.3 Public Disclosure will not, however, be required where the person found to have committed a breach is a Minor or where the identity of the victim may be disclosed. Any optional Public Disclosure in a case involving a Minor will be proportionate to the facts and circumstances of the case. If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision; however, the Ethics Commission may Publicly Disclose the fact that the charge has been dismissed.
- 8.4 Decisions of Panels will be final and binding on all parties, and may not be challenged or appealed other than strictly as set out in these Rules. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.

## 9 Appeals

- 9.1 Except for a provisional suspension, a preliminary or procedural ruling by the Ethics Commission may not be appealed unless:
- 9.1.1 it is dispositive (i.e. it amounts to a final resolution of the matter); or
  - 9.1.2 it is subsequently incorporated into a final decision.
- 9.2 Subject to clause 9.1, a final decision of the Ethics Commission in any Proceedings may be appealed to the Court of Arbitration for Sport (CAS), the Secretariat of which is located in Lausanne, Switzerland, by a party to the proceedings before the Ethics Commission, in accordance with this clause 9.
- 9.3 In any such appeal, ANOC will be the appellant or the respondent.
- 9.4 The deadline for filing an appeal to CAS will be 21 days from the date of receipt of the written decision in question by the appealing party. Where the appellant is a party other than ANOC, to be a valid filing under this clause a copy of the appeal must also be filed on the same day with ANOC. The decision being appealed will remain in full force and effect pending determination of the appeal unless CAS orders otherwise.
- 9.5 Cross appeals and other subsequent appeals by any respondent named in cases brought before CAS under these clauses are specifically permitted. Any party with a right to appeal under this clause 9 must file a cross appeal or subsequent appeal at the latest with its answer.
- 9.6 The CAS Code of Sports-related Arbitration will apply to the proceedings, as modified or supplemented herein. The governing law will be Swiss law, and the language of the proceedings will be English unless the parties agree otherwise.

- 9.7 Subject to clause 9.8, if the CAS decision is that a breach of the ANOC Code of Ethics has been committed:
- 9.7.1 the decision will be Publicly Disclosed in full without delay, and in any event no later than 20 days after its issue, and
  - 9.7.2 ANOC may also publish such other parts of the proceedings before CAS as it thinks fit.
- 9.8 Public Disclosure will not, however be required where the person found to have committed a breach is a Minor. Any optional Public Disclosure in a case involving a Minor will be proportionate to the facts and circumstances of the case. If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision.
- 9.9 The decision of CAS will be final and binding on all parties, and no right of appeal will lie from the CAS decision. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such decision, insofar as such waiver may validly be made.

## 10 Confidentiality

- 10.1 Subject to clause 10.2, all Proceedings under these Rules will be confidential, and neither ANOC, nor any NOC or Continental Association, nor the Applicable Person(s) who are party to the Proceedings, nor any witnesses in any Proceedings, will publicly comment on the specific facts of the case (as opposed to a general description of the process) except in response to public comments attributed to that person or entity made other than as a result of a breach by them of this clause.
- 10.2 At any stage of the Proceedings, the Chair of the Ethics Commission may, in his/her absolute discretion, decide that information should be shared with relevant authorities, NOCs, and Continental Associations, or publicly disclosed in order to ensure the proper effective discharge of the Ethics Commission's functions and /or to protect the integrity and reputation of ANOC and the Olympic Movement.

**ASSOCIATION OF NATIONAL OLYMPIC COMMITTEES**

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